

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mac A. Rapaport,

Plaintiff,

08 Civ. 5403 (PKC)

-against-

Hudson Valley Bank, N.A.

Defendant.

P. KEVIN CASTEL, District Judge:

ORDER

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>6/18/08</u>

Plaintiff, who is proceeding without a lawyer, is invited to contact the Pro Se Clerk's Office located in Room 230, U.S. Courthouse, 500 Pearl Street, New York, NY 10007. The Pro Se Clerk's Office has useful information for self-represented parties.

Plaintiff's attention is directed to Rule 4(m), Fed. R. Civ. P., which provides that

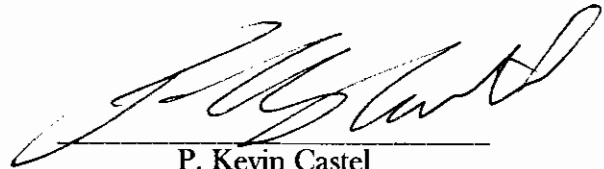
If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

THIS ORDER IS NOTICE TO PLAINTIFF THAT IF SERVICE IS NOT MADE WITHIN THE 120 DAY PERIOD AND THAT PERIOD HAS NOT BEEN EXTENDED UPON A WRITTEN REQUEST BY PLAINTIFF AND GOOD CAUSE SHOWN, THEN THE LAWSUIT WILL BE DISMISSED AS TO THE PARTY OR PARTIES NOT SERVED. DISMISSAL MEANS THAT THE LAWSUIT WILL BE OVER AND THE PLAINTIFF WILL RECOVER NOTHING.

A plaintiff, who is relying upon service of process by the United States Marshal, has a duty to provide information sufficient to identify and locate each defendant. Further, a plaintiff who has not received confirmation from the United States Marshal that service has

been made, has a duty to inquire further, for example, by checking the docket sheet and taking steps to ensure that timely service is made.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
June 18, 2008